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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 NAVIN SHARMA,

10 Plaintiff,

11 v.

12 CITY OF VANCOUVER, a Washington
13 municipal corporation; PATRICK J.
14 McDONNELL, Vancouver City Manager;
15 and MITCH BARKER, Acting Police
16 Chief,

17 Defendants.

CASE NO. C06-5688BHS

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION TO
CONSOLIDATE HEARINGS
ON DEFENDANTS'
SUMMARY JUDGMENT
MOTIONS OR IN THE
ALTERNATIVE GRANTING
LEAVE TO FILE AN
OVERLENGTH BRIEF

18 This matter comes before the Court on Plaintiff's Motion to Consolidate Hearings
19 on Defendants' Summary Judgment Motions or in the Alternative Granting Leave to File
20 an Overlength Brief (Dkt. 156). The Court has considered the pleadings filed in support
21 of and in opposition to the motion and the remainder of the file herein.

22 **I. BACKGROUND AND DISCUSSION**

23 Each of the three Defendants in this matter has separately moved for summary
24 judgment. Patrick J. McDonnell's motion is noted for consideration on July 25, 2008
25 (Dkt. 134), Mitch Barker's motion is noted for August 1, 2008 (Dkt. 142), and the City of
26 Vancouver's motion is noted for August 8, 2008 (Dkt. 152). Plaintiff now moves to
27 consolidate these motions or, alternatively, for relief from the deadline governing motions
28 to file overlength briefing. Plaintiff's requests will be addressed in turn.

1 First, Plaintiff contends that the Court should consider the three motions
2 concurrently so that the facts regarding each Defendant may be considered in context.
3 The Court agrees that it may be beneficial to consider the three motions concurrently. In
4 this respect, the motion is granted.

5 Second, Plaintiff asks that the Court permit oral argument on all three motions
6 simultaneously. All motions are decided without oral argument unless the Court orders
7 otherwise. Local Rule CR 7(b)(4). The Court has not yet determined whether it will
8 schedule oral argument on any or all of the motions. In this respect, the motion is denied.

9 Third, Plaintiff seeks to file a 72-page combined response to the three motions.
10 Plaintiff contends that this approach would facilitate judicial economy. Because Plaintiff
11 has already responded to the motions, the Court declines to permit Plaintiff to file a
12 combined response. In this respect, the motion is denied.

13 Fourth, in the event that the Court is not amenable to this approach, Plaintiff seeks
14 leave to file an overlength brief in response to Patrick J. McDonnell's 12-page motion for
15 summary judgment; Plaintiff has already filed a 37-page response to that motion and
16 offers to limit his responses to all three motions to 72 pages. Dkt. 158.

17 Motions to file overlength briefs are governed by Local Rule CR 7(f):

18 (f) Motions to File Over-length Motions or Briefs. Motions seeking
19 approval to file an over-length motion or brief are disfavored but may be
filed subject to the following:

20 (1) The motion shall be filed at least three judicial days before the
21 underlying motion or brief is due, and shall be noted for consideration for
the day on which it is filed, pursuant to CR 7(d)(1).

22 (2) The motion shall be no more than two pages in length and shall
23 request a specific number of additional pages.

24 (3) No opposition to the motion shall be filed unless requested by the
court.

25 (4) If the court grants leave to file an over-length motion, the brief in
26 opposition will automatically be allowed an equal number of additional
27 pages. In all cases, the reply brief shall not exceed one-half the total length
28 of the brief filed in opposition.

1 Local Rule CR 7(f). Because Plaintiff did not timely seek leave of Court to permit an
2 overlength response, Defendants have already filed their reply to Plaintiff's overlength
3 response. Plaintiff's proposal to allow overlength briefing on Patrick J. McDonnell's
4 motion so long as his combined briefing on Defendants' motions does not exceed 72
5 pages inserts unnecessary complication, particularly because Plaintiff has already
6 responded to the motions and two of the motions have already been fully briefed. The
7 Court therefore declines to permit Plaintiff to file an overlength response to Patrick J.
8 McDonnell's motion, and Plaintiff's motion is denied in this respect.

9 In the interest of considering Defendants' motions on their merits, the Court is
10 reluctant to strike Plaintiff's excess briefing before affording Plaintiff's counsel an
11 opportunity to file a response that complies with the Local Rules. Therefore, on or before
12 August 11, 2008, Plaintiff shall amend his response (Dkt. 158) to comply with the page
13 limits set forth in Local Rule CR 7(e). If Plaintiff fails to file an amended response that
14 complies with Local Rule CR 7(e), any excess pages will be stricken.

15 II. ORDER


16 Therefore, it is hereby

17 **ORDERED** that Plaintiff's Motion to Consolidate Hearings on Defendants'
18 Summary Judgment Motions or in the Alternative Granting Leave to File an Overlength
19 Brief (Dkt. 156) is **GRANTED in part** and **DENIED in part** as provided herein and as
20 follows:

21 (1) On or before August 11, 2008, Plaintiff shall amend his response (Dkt. 158) to
22 comply with the page limits set forth in Local Rule CR 7(e) and

23 (2) Defendants' motions for summary judgment (Dkts. 134, 142, and 152) are
24 **RENOTED** for consideration on August 15, 2008.

25 DATED this 5th day of July, 2008.

26 
27 BENJAMIN H. SETTLE
28 United States District Judge